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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,604	11/20/2000	Apurva M. Desai	A-68701/MAK/LM	1590
30636	7590	01/12/2005	EXAMINER	
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			KNAPP, JUSTIN R	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/716,604	Applicant(s) DESAI ET AL.	
	Examiner Justin Knapp	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12, 13, 23-26, and 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Fry, et al (herein referred to as Fry), USPN 6,415,341.

3. Referring to system claim 12 and it's corresponding method claim 31, Fry teaches a system comprising:

a register device for conducting a transaction (see figure 4, elements 12 and 14);

a first peripheral device configured to communicate information regarding the transaction

according to a first protocol (see figure 4, element 32 communicates with first protocol, element 70);

a protocol converter coupled to the register device and the first peripheral device, the protocol converted configured to receive information from the first peripheral device according to the first protocol and communicate the information using TCP/IP (see figure 4, element 30 and column 5, lines 27-31); and

a transaction controller coupled to the protocol converter and the register device, the transaction controller operable to facilitate communication between the register device and the protocol converter (see figure 4, element 30). Element 30 of figure 4 is a protocol converter/print share

device as labeled. Column 4, lines 29-34 of Fry teaches protocol converter/print share device 30 is operable to convert the print commands output from the POS terminals, prioritize those commands, and send those commands to printer 32. Fry's protocol converter/print share acts as a protocol converter (converts the print commands output from the POS terminals) as well as a transaction controller as it facilitates communication between the register device and protocol converter (the prioritizing the print commands and sending the commands to the printer are transaction controller operations to facilitate communication between the register device and protocol converter).

4. Referring to claim 13, Fry teaches wherein the register device is a point-of-sale (POS) terminal (see figure 4, elements 12 and 14).

5. Referring to claim 23, Fry teaches a system that further comprises a second register device coupled to the protocol converter, the protocol converter further configured to communicate information received from the first peripheral device with the second register device (see figure 4, elements 12 and 14 are first and second register devices that communicate with first peripheral device, element 32).

6. Referring to claim 24, Fry teaches a system further comprising a plurality of peripheral devices coupled to the protocol converter (see column 5, lines 34-39 and column 9, lines 5-10).

The abstract also states "a device and method for adapting a computer terminal for connection to *at least one* external device communicatively couples an adapter to the computer terminal and to the *at least one* external device. This anticipates that Fry supports a plurality of peripheral devices coupled to the protocol converter.

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7. Referring to claim 25, Fry teaches wherein state information regarding the transaction is stored in the transaction controller and the register device (see column 6, lines 10-20).
8. Referring to claim 26, Fry teaches wherein the register device, the transaction controller, and the protocol converter each comprise an Ethernet connection (see column 5, lines 27-31).
9. Referring to claims 29 and 30, it is inherent that in a networked system utilizing Ethernet as taught by Fry, the register device and transaction controller being remotely located from the first peripheral device is supported.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry.
12. Referring to claims 14-18, Fry teaches wherein the first peripheral device comprises a printer (see figure 4, element 32). Applicant's numerous definitions of a "first peripheral device" (claims 14-18) is construed to be an admission that the criticality does not reside in the type of "first peripheral device" utilized and hence obvious variants of one another.
13. Referring to claims 19-22, Fry teaches wherein the first protocol comprises RS232 (see figure 4, element 70). Applicant's numerous definitions of a "first protocol" (claims 19-22) is construed to be an admission that the criticality does not reside in the type of "first peripheral device" utilized and hence obvious variants of one another.

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14. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry in view of <http://www.sun.com/jini>. Fry does not explicitly teach wherein the transaction controller provides Jini services and the first peripheral device is registered with the Jini services. Fry does teach a system utilizing Ethernet as its communications format. The Jini network technology teaches that any kind of network made up of services and clients of those services like the system of Fry can easily be assembled, disassembled, and maintained on the network using Jini Technology. One would have been motivated to implement Jini Technology as it provide many technological, operational, and competitive advantages when implemented (see <http://www.sun.com/jini>).

Response to Arguments

15. Applicant's arguments filed 10/04/04 have been fully considered but they are not persuasive.

16. On page 6-7 of the Remarks, Applicants argue in essence that:

“Fry does not disclose or suggest a transaction controller coupled to the protocol converter and the register device, the transaction controller operable to facilitate communication between the register device and the protocol converter”

This argument has not been found to be persuasive because Fry does in fact teach transaction controlling operations coupled to the protocol converting operations within protocol converter/print share device 30. As taught by Microsoft Bookshelf 1996, the definition of “facilitate” is: to make easy or easier. Synonyms from Microsoft Bookshelf for the word “facilitate” include: make possible, enable, allow, and permit. As taught in column 4, lines 29-34 of Fry and admitted by Applicant on page 7 of the Remarks, a protocol converter/print share device 30 is operable to convert the print commands output from the POS terminals. This would

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be the protocol converting operations. It is also operable to prioritize those converted commands and send those converted commands to printer 32. These operations are interpreted as transaction controller operations “to facilitate communication between the register device and the protocol converter”. In other words, the protocol converter/print share device 30 acts as a transaction controller as it makes easier, permits, or allows (all equivalents to “facilitate” as claimed) communication between the register device and the protocol converter by prioritizing commands after the commands are converted to a necessary protocol and then sending those converted commands to the printer.

17. On pages 7-8 of the Remarks, Applicants argue in essence that:

“The transaction controller as defined by Applicants facilitates communication between the register device and the protocol converter when, for example, a new peripheral is added to the system. The transaction controller can convert transmissions from a POS register to a format understandable by the new peripheral, and send those transmissions through the protocol converter....The transaction controller allows a user to add the new peripheral to the system without taking the system offline.”

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., facilitates communication when a new peripheral is added to the system and allows a user to add the new peripheral to the system without taking the system offline) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Knapp whose telephone number is (571) 272-4149. The examiner can normally be reached on Mon - Fri 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 7, 2005


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Justin Knapp
Examiner
Art Unit 2182